

AO 91 (Rev. 11/11) Criminal Complaint

FILED 12 DEC 19 15:19 USC OR

## UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America

v.

GERMAN ARCIGA

Case No.

1:19-mj-00236-CL

*Defendant(s)*

## CRIMINAL COMPLAINT

## BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 8, 2019 in the county of Jackson in the  
       District of Oregon, the defendant(s) violated:

*Code Section*

8 U.S.C. § 1326

*Offense Description*

Illegal Re-Entry

This criminal complaint is based on these facts:

Please see attached affidavit of Special Agent Eric Annis.

☒ Continued on the attached sheet.

/s/ Eric Annis per Rule 4.1  
*Complainant's signature*

Eric Annis, Deportation Officer

*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
 telephone at 3:10 a.m./p.m. (3)

Date:

12/13/19

[Signature]  
*Judge's signature*

City and state: Eugene, Oregon

Mustafa T. Kasubhai, U.S. Magistrate Judge

*Printed name and title*

DISTRICT OF OREGON, ss:      AFFIDAVIT OF ERIC ANNIS

**Affidavit in Support of a Criminal Complaint and Arrest Warrant**

I, Eric Annis, being duly sworn, do hereby depose and state as follows:

**Introduction and Agent Background**

1.      I am a Deportation Officer with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations, and have been so employed since March 2010. I have been employed by Immigration and Customs Enforcement for over nine years, serving as both an Immigration Enforcement Agent and Deportation Officer. Currently, I am responsible for the identification, apprehension, and removal of aliens who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of the immigration laws and border control efforts. I am also responsible for the criminal prosecution of aliens. I completed the Basic Law Enforcement and Immigration Officer Training Program as well as the ICE Enforcement and Removal Field Operations Training Program.

2.      I submit this affidavit in support of a criminal complaint and arrest warrant for German Arciga, for illegal re-entry in violation of Title 8, United States Code, Section 1326. As set forth below, there is probable cause to believe, and I do believe, that German Arciga illegally re-entered the United States following his removal in violation of Title 8, United States Code, Section 1326.

**Applicable Law**

3.      Title 8, United States Code, Section 1326 provides in relevant part that after having previously been arrested and denied admission, excluded, deported, and as an alien, it is

unlawful to knowingly re-enter the United States without the express consent of the Attorney General of the United States, or his successor, the Secretary for Homeland Security.

**Statement of Probable Cause**

4. On December 8, 2019, German Arciga was located in Medford, Oregon and arrested on an active out-of-state warrant issued from California. German Arciga was charged with being a fugitive from another state in violation of O.R.S. 133.747 and lodged into the Jackson County Jail.

5. On December 11, 2019, I reviewed service documents relating to alien service file A098 268 253 which relates to German Arciga.

6. The alien service file revealed that German Arciga is a citizen of Mexico and claimed to be citizen of Mexico to an officer or agent, authorized to determine such alienage, each time he was encountered by immigration officials. The file further revealed that German Arciga was formally removed from the United State on November 3, 2014 via Port of Entry-San Ysidro, California pursuant to a Final Administrative Removal Order issued on October 28, 2014 in Fresno, California.

7. DHS and ICE records indicate that German Arciga, an alien, never applied for or received the required consent of the Attorney General of the United States or the Secretary for the Department of Homeland Security, to apply for admission into the United States after having been removed, in violation of Title 8 United States Code, Section 1326.

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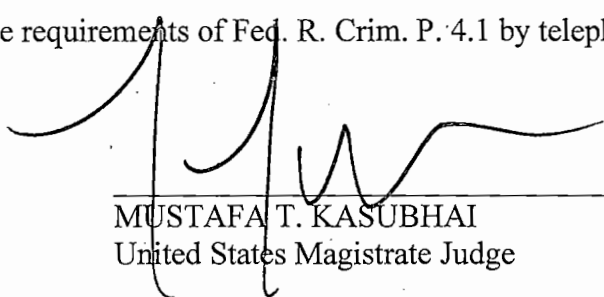
**Conclusion**

8. Based on the foregoing, I have probable cause to believe, and I do believe, that German Arciga committed illegal re-entry in violation of Title 8, United States Code, Section 1326. I therefore request that the Court issue a criminal complaint and arrest warrant for German Arciga.

9. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney (AUSA) John Brassell, and AUSA Brassell advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

/s/ Eric Annis per Rule 4.1  
ERIC ANNIS, Deportation Officer  
U.S. Immigration & Customs Enforcement

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone  
at 3:10 a.m./p.m. on December 13, 2019.

  
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MUSTAFA T. KASUBHAI  
United States Magistrate Judge